

REMARKS

Claims 1-6 and 8 are currently pending in the subject application, and are presently under consideration. Claims 1-6 and 8 are rejected. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Objections to the Drawings

A replacement sheet is included with this amendment. The replacement sheet includes a bidirectional arrow connecting a quadrature phase shift keying (QPSK) downstream modulator 366 to an optical network 355, as requested by the Examiner on page 2 of the Office Action. No new matter has been added. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

II. Rejection of Claims 1-6 and 8 under 35 U.S.C. §112

Claims 1-6 and 8 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. The Office Action states that these claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See Office Action, ultimate paragraph beginning at page 2.

On pages 3-4 of the Office Action, the Examiner suggests amendments to claims 1 and 5 that if made, would result in claims 1-6 and 8 being allowable. Claims 1 and 5 have been amended in the manner suggested by the Examiner. Additionally, each occurrence of the definite article "said" in claims 1 and 5 has been replaced with the definite article "the" for sake of consistency. Since the amendments to claims 1 and 5 adopt the Examiner's suggestions, which presumably have already been considered, or simply change the definite articles for purposes of consistency, no new issue is created by these amendments. Applicant's representative, therefore, respectfully requests that the amendments to claims 1 and 5 be entered. Upon entry of these claim amendments, amended claims 1 and 5, as well as claims 2-6 and 8 depending therefrom, comply with the enablement requirements of 35 U.S.C. §112, first paragraph. Therefore, withdrawal of this rejection is respectfully requested.

III. CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests allowance of this application and that the application be passed to issue.

Should the Examiner have any questions concerning this paper, the Examiner is invited and encouraged to contact Applicant's undersigned attorney at (216) 621-2234, Ext. 106.

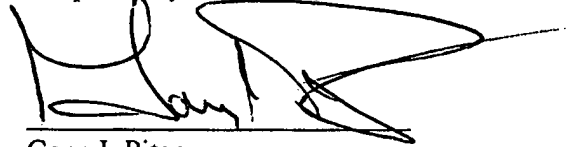
No additional fees should be due for this response. In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 20-0090.

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via electronic filing on May 22, 2009.

CUSTOMER NO.: 85811

TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP
1300 East Ninth Street – Suite 1700
Cleveland, OH 44114
Phone: (216) 621-2234

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gary J. Pitzer', written over a horizontal line.

Gary J. Pitzer
Registration No. 39,334

190492_1.DOCX